

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

CRIMINAL NO. 4:98CR102

UNITED STATES OF AMERICA

Vs.

JOSEPH MARION HEAD, JR.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion for a New Appeal or New Trial or Release from Custody Forever," filed October 14, 2008.

The Defendant's conviction and sentence have long been rendered final making his instant motion untimely. The Court has denied Defendant's previous motions for a new trial and for release from custody, and has addressed his claims of ineffective assistance of counsel. **See Order, filed November 19, 2002.** Therefore, the Court further finds that the relief sought by these motions is unavailable and Defendant's motion is completely without merit.

IT IS, THEREFORE, ORDERED that the Defendant's motion for a new appeal, new trial or release from custody forever is hereby **DENIED**.

Signed: October 16, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

